

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

2:10-CV-409 JCM (PAL)

FEDERAL DEPOSIT INSURANCE  
CORPORATION,

Appellant,

v.

VCSP, LLC, et al.,

Defendants.

**ORDER**

Presently before the court is appellant Federal Insurance Corporation (hereinafter "FDIC-R"), as receiver for Franklin Bank, S.S.B. (hereinafter "Franklin"), and Multibank 2009-1 CML-ADC Venture, LLC's (hereinafter "Multibank") joint motion to substitute parties and counsel. (Doc. # 14). To date, appellees VCSP, LLC and CM Capital Services have not filed an opposition to the motion.

Pursuant to Federal Rule of Civil Procedure 25(c), "[i]f an interest is transferred, the action may be continued by or against the original party unless the court, on motion, orders the transferee to be substituted in the action or joined with the original party."

In their joint motion, FDIC-R and Multibank move this court to substitute Multibank in place of FDIC-R as the appellant, and 'real party in interest.' They allege, that as receiver, FDIC-R exercised its right to liquidate certain assets of Franklin, and sold the loan at issue to Multibank. Therefore, it asserts that by purchasing the loan, Multibank is the appropriate and real party in this matter. Further, they assure the court that counsel on record for FDIC-R will continue in the case, and will represent Multibank in all further proceedings.

1 In addition, the court notes appellees failure to file an opposition under Local Rule 7-2(d),  
2 which states that, "the failure of an opposing party to file points and authorities in response to any  
3 motion shall constitute a consent to the granting of the motion."

4 Good cause appearing,

5 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that appellant FDIC-R and  
6 Multibank's joint motion to substitute parties and counsel (doc. # 14), be and the same hereby is,  
7 GRANTED.

8 IT IS FURTHER ORDERED that Multibank 2009-1 CML-ADC Venture, LLC be substituted  
9 in place of FDIC-R as appellant in this matter, and that the case caption be amended accordingly.

10 IT IS FURTHER ORDERED that counsel for Multibank 2009-1 CML-ADC Venture, LLC  
11 file entries of appearances on behalf of Multibank.

12 DATED September 22, 2010.

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15 UNITED STATES DISTRICT JUDGE  
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